**Fourth Review Conference**
**of the Parties to the Treaty**
**on the Non-Proliferation of Nuclear Weapons**

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# THE DYNAMICS AND CONSEQUENCES OF THE WIDER DISSEMINATION OF NUCLEAR WEAPONS

Background paper by the Secretariat

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## INTRODUCTION

1. The Preparatory Committee for the Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, at its first session (1 to 5 May 1989), invited the Secretary-General of the United Nations to prepare for the Committee's second session a background paper on the dynamics and consequences of the wider dissemination of nuclear weapons. At the request of the Preparatory Committee, at its second session (11-15 September 1989), the paper was revised for the Committee's third session (23 April-2 May). At that session, the Committee requested that, in the light of the comments made during its discussion, the background paper be updated and revised as necessary where appropriate for submission to the Conference. The present paper is submitted in response to that request.

2. It is generally recognized that the community of States has a vital interest in preventing the wider dissemination of nuclear weapons. Nuclear proliferation cannot fail to have an adverse impact on world stability and security. Any further spread - whatever the rate of proliferation - raises the spectre of the so-called "nth country problem", i.e. the problem of an ever larger number of nuclear-weapon Powers and of increasingly greater insecurity, both at the regional and global levels. At some point in this process of military nuclearization, a stage would be reached where the requisites for a secure and viable world would no longer exist. Even in the short run, the military advantages that any non-nuclear-weapon State might presume to gain by acquiring nuclear weapons would most probably be nullified by the reactions that such an acquisition would generate in neighbouring States and in the world at large. In brief, there would be negative consequences for the security of every country, including those which might decide to acquire such weapons.

3. Further, it has been argued that, by remaining outside the non-proliferation Treaty and refusing to forgo a nuclear weapon option, such States do not increase, but indeed diminish, their security. At the same time, those States reduce substantially their opportunities to engage in beneficial international civil nuclear co-operation to the detriment of their economies.

4. Today, the technical capability of making nuclear weapons is within the reach of an increasing number of countries. In this situation, the risks of proliferation are likely to grow, unless there is concerted action by both the nuclear and the non-nuclear-weapon States to reduce and eliminate what might be considered incentives for proliferation.

5. It is the declared goal of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons 1/ to achieve universal adherence to the Treaty. Great progress has been made towards that goal. As of 1 January 1990, the number of parties to the Treaty was 142. However, as has been noted, the fulfilment of the Treaty goals cannot simply be measured by the steadily increasing number of parties to the Treaty. The nuclear capabilities of the countries which have not adhered to it must also be taken into account. It

has also been emphasized, particularly on the occasion of Treaty review conferences, that the Treaty must be fully developed through careful implementation, within the context of the non-proliferation régime of which the Treaty is the centre-piece.

6. Of the five nuclear-weapon States referred to in article IX, paragraph 3, of the Treaty, namely, States which had manufactured and exploded a nuclear weapon or other nuclear explosive device prior to 1 January 1967, three - the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America - are parties to the Treaty. They are the Treaty's three Depositaries.

7. France stated in the General Assembly, on 12 June 1968, 2/ on the occasion of the adoption of resolution 2373 (XXII), that while it would not sign the non-proliferation Treaty, it would behave in the future in that field exactly as did States adhering to the Treaty. When the General Assembly, in 1976, considered the implementation of the conclusions of the first non-proliferation Treaty Review Conference, France stated in the First Committee that it would follow a policy of strengthening appropriate arrangements and safeguards relating to equipment, materials and technology. 3/

8. China stated, on the occasion of the adoption of General Assembly resolution 3184 B (XXVIII), on 23 November 1973:

> "China has been compelled to develop a few nuclear weapons for the purpose of self-defence and for breaking the nuclear monopoly and nuclear blackmail of the super-Powers ... We are firmly against using the 'Treaty on the Non-Proliferation of Nuclear Weapons' to deprive non-nuclear countries or countries with few nuclear weapons of their sovereignty and to damage the interests of the people of various countries." 4/

In 1984, China stated in the general debate of the Conference on Disarmament that it did not advocate nor encourage nuclear proliferation, nor did it help other States develop nuclear weapons. 5/

9. On 18 May 1974, the Atomic Energy Commission of the Government of India announced that it had carried out a peaceful nuclear explosion experiment. It further stated that India had no intention of producing nuclear weapons. 6/ The Minister of External Affairs of India confirmed on 21 May 1974: "We have no intention of developing nuclear weapons ... In performing this scientific test, India has not violated any of her international obligations." 7/ Subsequently, India repeatedly stated that, although it was not a party to the non-proliferation Treaty, its ongoing nuclear programme was exclusively for peaceful purposes.

10. According to the International Atomic Energy Agency (IAEA), as of 31 December 1988, safeguards agreements were in force with the following nine non-nuclear-weapon States, which are not parties to the non-proliferation Treaty (nor to the Treaty for the Prohibition of Nuclear Weapons in

Latin America - Treaty of Tlatelolco - nor the South Pacific Nuclear Free Zone Treaty - Treaty of Rarotonga), but which have substantial nuclear activities: Algeria, Argentina, Brazil, Chile, Cuba, India, Israel, Pakistan and South Africa. In five of the nine States, unsafeguarded facilities of significance for safeguards were known to be in operation or under construction. 8/

11. Although the goal of universal adherence to the non-proliferation Treaty has not yet been fully achieved, during the past two decades the imperative of nuclear non-proliferation has received world-wide recognition and the Treaty has shown its viability.

12. On the occasion of the twentieth anniversary of the Treaty's signature, on 1 July 1988, the Secretary-General of the United Nations, considering the steps taken for the implementation of the Treaty over the years, stated 9/ that the Treaty had so far effectively performed its function as a barrier against the acquisition of nuclear weapons. He added:

> "The need remains to strengthen the régime still further, both by encouraging wider adherence to the Treaty and by the achievement of early and significant reductions in the number of existing nuclear weapons, so that the Treaty may continue to play its valuable role in contributing to international peace and security. In this context the Secretary-General hopes that further steps shall be taken towards the implementation of all the provisions of the Treaty.
>
> "Efforts to halt and prevent the proliferation of nuclear weapons, in all its aspects, are of utmost importance and the Secretary-General urges that all States should make every endeavour to pursue these objectives."

## I. THE RATIONALE OF NON-PROLIFERATION AS EXPRESSED IN THE PREAMBLE TO THE NON-PROLIFERATION TREATY

13. The preamble to the non-proliferation Treaty provides a clear formulation of the rationale on which the Treaty stands and of the consequences of the wider dissemination of nuclear weapons.

14. Bearing in mind the resolutions of the United Nations General Assembly calling for the conclusion of an agreement on the prevention of the wider dissemination of nuclear weapons (para. 3 of the preamble), the parties to the non-proliferation Treaty express the belief that "the proliferation of nuclear weapons would seriously enhance the danger of nuclear war" (para. 2) and recognize the need "to make every effort to avert the danger of such war and to take measures to safeguard the security of peoples" (para. 1). To that end, the parties declare their intention "to achieve at the earliest possible date the cessation of the nuclear-arms race and to undertake effective measures in the direction of nuclear disarmament" (para. 8), and urge the co-operation of all States in the attainment of that objective (para. 9). They recall (para. 10) the determination expressed by the parties to the 1963 Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and

Under Water, in its preamble, "to seek to achieve the discontinuance of all test explosions of nuclear weapons for all time and to continue negotiations to this end". They further recall (para. 12) that, in accordance with the Charter of the United Nations, States must refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, and that the establishment and maintenance of international peace and security are to be promoted with the least diversion for armaments of the world's human and economic resources. They affirm (paras. 4 to 7) the principle that the benefits of peaceful applications of nuclear technology should be available for peaceful purposes to all parties to the Treaty. Finally, they express the desire (para. 11) to further the easing of international tension and the strengthening of trust between States in order to facilitate the cessation of the manufacture of nuclear weapons, the liquidation of all their existing stockpiles, and the elimination from national arsenals of nuclear weapons and the means of their delivery pursuant to a treaty on general and complete disarmament under strict and effective international control.

## II. THE TREATY'S ENTRY INTO FORCE

15. When the non-proliferation Treaty entered into force, on 5 March 1970, the three depositary States made statements which again focused on the Treaty as an instrument which would contribute to removing the threat of nuclear war. The statements were circulated as official documents of the Security Council and the General Assembly of the United Nations. 10/

16. The Prime Minister of the United Kingdom, addressing himself to those States which had not yet adhered to the Treaty, invited them to overcome their hesitations and to recognize that "this Treaty offers to them individually and to mankind in general the best hope of avoiding nuclear war". The President of the United States referred to the Treaty as the first milestone on a road which, hopefully, would lead to "reducing the danger of nuclear war and ... to lasting peace among nations". The Chairman of the Council of Ministers of the USSR stated that "From the moment when nuclear weapons were first produced the policy of the Soviet Union has unswervingly been directed towards saving mankind from the threat of nuclear war. The Treaty on the Non-Proliferation of Nuclear Weapons is an important step towards the attainment of that goal ...".

17. In addition, the Prime Minister of the United Kingdom, noting that there were two forms of proliferation, vertical as well as horizontal, 11/ called attention to the fact that countries which did not possess nuclear weapons, and which were undertaking an obligation never to possess them, had the right to expect that the nuclear-weapon States would fulfil their part of the bargain. It was to be expected, therefore, that the negotiators from the United States and the Soviet Union would bear that obligation in mind when they entered into strategic arms limitation talks (SALT) in April 1970 - talks which might prove to be the most important arms control negotiations undertaken since the Second World War.

18. The Chairman of the Council of Ministers of the USSR stated that the Soviet Government attached great importance to the curbing of the strategic arms race and was preparing with the utmost earnestness for the negotiations on those questions, which were just about to begin.

19. The President of the United States, referring to the non-proliferation Treaty as the first milestone towards reducing the danger of nuclear war, affirmed that the next milestone would be the limitation of nuclear weapons, which was the object of the strategic arms limitation talks. The third and final milestone would be continued progress in reducing political tensions, i.e. reducing the differences between Governments in all their aspects.

20. In a statement made on the same occasion, 12/ the Secretary-General of the United Nations made an appeal for action to contribute to the universality of the Treaty. "It is my firm belief", he stated, "that it is in the best interests of the world community that the Treaty on the Non-Proliferation of Nuclear Weapons should command universal support." The Secretary-General also made clear that the Treaty must not be viewed as an end in itself, but as a step towards disarmament. The Treaty, he stressed, imposed on all parties a solemn obligation to pursue negotiations on effective measures relating to the cessation of the nuclear-arms race, to nuclear disarmament and to general and complete disarmament.

## III. THE FIRST AND SECOND SPECIAL SESSIONS OF THE GENERAL ASSEMBLY DEVOTED TO DISARMAMENT

21. In the 1978 Final Document of the Tenth Special Session of the General Assembly, the first special session devoted to disarmament, the Assembly reaffirmed that: "Non-proliferation of nuclear weapons is a matter of universal concern" (resolution S-10/2, para. 36). It also stated that: "It is imperative, as an integral part of the effort to halt and reverse the arms race, to prevent the proliferation of nuclear weapons" (ibid., para. 65). The Final Document further stated that the goal of nuclear non-proliferation was, on the one hand, to prevent the emergence of any additional nuclear-weapon States besides the existing five such States and, on the other, progressively to reduce and eventually eliminate nuclear weapons altogether. This involved obligations and responsibilities on the part of both nuclear-weapon States and non-nuclear-weapon States (ibid.).

22. In the debates at the special session, a number of Member States, notably Eastern European and Western countries, drew attention to the urgent need of achieving universal adherence to the non-proliferation Treaty, which constituted the main international instrument that the international community had forged to forestall an increase in the number of States possessing nuclear weapons. They stressed that the whole world had an interest in halting the emergence of more nuclear-weapon States.

23. The United States, while recognizing that the pace of nuclear-arms control had, beyond doubt, been painfully slow and that every effort must be made to accelerate the movement towards sound and effective measures to limit

nuclear arms, held that the world community could not accept dissatisfaction with the action thus far taken by the existing nuclear-weapon States as an excuse for other countries to acquire nuclear weapons. The United States further argued that the risk to world peace and to human survival created by the existence of five nuclear-weapon States could not be diminished if more such weapons were acquired by additional States. Indeed, such proliferation would only reduce the pressures and the incentives and the prospect that the existing nuclear-weapon States would move towards nuclear-arms control. The Soviet Union reiterated its commitment to the elimination of nuclear weapons and called for talks among all the nuclear-weapon States and a certain number of non-nuclear-weapon States with a view to the elaboration and implementation of measures to end the production of nuclear weapons and gradually reduce existing stockpiles until their complete destruction.

24. Many non-nuclear-weapon States focused on the link between vertical and horizontal proliferation, considering, with varying degrees of emphasis, that the credibility and effectiveness of international efforts to prevent the spread of nuclear weapons were tied to the achievement of progress in the area of nuclear disarmament. Further, they emphasized their inalienable right to use nuclear energy for peaceful purposes.

25. At the twelfth special session of the General Assembly, the second special session devoted to disarmament (1982), a number of Member States addressed themselves to the general question of non-proliferation of nuclear weapons as well as to specific aspects of the non-proliferation Treaty, notably, adherence to the Treaty, article IV (peaceful uses of nuclear energy) and article VI (cessation of the nuclear-arms race and nuclear disarmament). In spite of the fact that a consensus final declaration was not adopted at the session, it was generally and strongly held that the international community should remain deeply committed to the objectives of the non-proliferation Treaty and the strengthening of the non-proliferation régime, that being essential to international security. As the Director General of IAEA, Dr. Hans Blix, stated: "It is generally agreed that more fingers on more nuclear triggers add to tensions and increase the difficulties of managing crises and achieving disarmament. The community of States has undoubtedly a collective interest in preventing further proliferation." 13/

26. It was also noted that, although there remained only a small minority of States with nuclear programmes which did not accept the non-proliferation Treaty, there were strong pressures which challenged the non-proliferation objective. One such pressure was the temptation to develop civilian nuclear facilities towards, but stopping just short of, the capacity to produce nuclear weapons. Another was the possible undermining of non-proliferation principles by the failure of some suppliers and customers to apply full-scope safeguards to all nuclear transactions. Those and other pressures sometimes came from inside the régime and sometimes from outside it. 14/

## IV. THE THIRD SPECIAL SESSION OF THE GENERAL ASSEMBLY DEVOTED TO DISARMAMENT

27. When the fifteenth special session of the General Assembly, the third special session devoted to disarmament, convened, at the end of May 1988, the number of countries which had adhered to the non-proliferation Treaty was 136. As the United Nations noted, 15/ 19 additional States had joined the Treaty since the General Assembly's second special session on disarmament in 1982. There was no good reason, the United States stated, why every nation should not join it. The Treaty of Tlatelolco, the United States further noted, remained a key part of the non-proliferation régime and all eligible States should fully adhere to it. Also, at the very moment when the United States and the USSR had agreed to reduce their nuclear arsenals by signing the Treaty on the Elimination of Intermediate-Range and Shorter-Range Missiles (INF Treaty), it would be tragic for other countries to pursue nuclear-weapon capability and cross the nuclear threshold. Nuclear proliferation, the United States emphasized, was one of the most direct and serious threats to regional and global stability. In the view of the United States, it was in South Asia that the danger was most acute at present. On a related issue, the United States said that, in 1987, the United States itself and six other industrialized democracies had formed a missile technology control régime to limit the proliferation of missiles capable of delivering nuclear weapons.

28. The States Parties to the Warsaw Treaty submitted a memorandum on "security through disarmament" 16/ which, inter alia, advocated the strengthening of the non-proliferation régime through the promotion of universal adherence to the non-proliferation Treaty and the full implementation of all the provisions of the Treaty, including those concerning nuclear disarmament, the peaceful uses of nuclear energy, and the effectiveness of the IAEA safeguards system. Concerning disarmament, the memorandum referred to the INF Treaty between the USSR and the United States as a starting point - as just a beginning. It was necessary, the document stated, to intensify efforts aimed at concluding new agreements for: the gradual elimination of all nuclear weapons; the complete and general prohibition of nuclear-weapon tests; the prevention of an arms race in outer space; the elimination of chemical and other types of weapons of mass destruction; the radical reduction of armed forces and conventional armaments, especially in Europe; the reduction of armed forces and conventional armaments; and the solution of other security and disarmament issues.

29. The five Nordic countries - Denmark, Finland, Iceland, Norway and Sweden - submitted a memorandum, 17/ which advocated progress in a number of areas relating to non-proliferation and nuclear disarmament, with a view to ensuring the "prolongation and the continued effectiveness of the non-proliferation régime" after 1995.

30. Ireland 18/ stressed that non-proliferation of nuclear weapons had become the accepted norm of international life and that it was the responsibility and lay in the interest of every country, large or small, nuclear or non-nuclear, to do all in its power to ensure that the menace of nuclear weapons would

spread no farther. Thus, it was unfortunate that a sizeable number of States were not parties to the non-proliferation Treaty. Ireland found it most disturbing that several States were actively seeking or might already have obtained a nuclear-weapons capability, in the belief that acquiring nuclear weapons would somehow strengthen their security. The truth was the very opposite. Any country which acquired nuclear weapons would provoke a similar response from its rivals and expose itself to an increased risk of involvement in the horror of nuclear war. In the interest of general security, Ireland held, all countries should give complete co-operation to IAEA by permitting and facilitating full inspection at all civilian nuclear installations.

31. Several non-aligned countries as well as some countries from both East and West emphasized that an agreement on cessation of nuclear tests would contribute decisively to the non-proliferation of nuclear weapons. As the President of Zimbabwe stated, 19/ "In pursuing nuclear disarmament the non-aligned countries have given the highest priority to the conclusion of a comprehensive test-ban treaty. Only a ban on all nuclear tests by all States in all environments for all time can stem the qualitative and quantitative developments of nuclear weapons." Similarly, the Prime Minister of Sweden thought 19/ that, while the non-proliferation Treaty had been a success to the extent that there had been no additional officially declared nuclear-weapon State since the conclusion of the Treaty, it was necessary that not only the non-nuclear-weapon States but also the nuclear-weapon Powers live up to their commitments. It was also important that those States which had not yet signed the Treaty should proceed to sign it.

32. Egypt, 15/ recalling that in 1964 it had hosted the African summit conference which had issued a call to declare Africa a non-nuclear-weapon continent, expressed grave concern about the policies of the apartheid régime in South Africa, which was hindering the implementation of the Declaration on the Denuclearization of Africa.

33. Egypt, as well as many other developing countries, also stressed 15/ that the introduction of nuclear weapons into the Middle East, or the threat of their introduction, would lead to grave and complex consequences and create a very delicate situation.

34. Pakistan stated 20/ that it did not possess nuclear weapons, nor did it intend to possess them. It had not carried out a nuclear explosion nor did it intend to conduct one. For its part, Pakistan was ready to accede to the non-proliferation Treaty simultaneously with India; to accept full-scope safeguards for its nuclear programme simultaneously with India; to conclude a bilateral agreement with India for the inspection of each other's nuclear facilities; to make a joint declaration with India renouncing nuclear weapons; and to enter into a bilateral nuclear-test-ban treaty with India. In conclusion, Pakistan would accept any equitable and non-discriminatory agreement with effective verification arrangements that would commit the countries of the region, in a legally binding manner, not to acquire or produce nuclear weapons. In reply, India stated that Pakistan was engaged in acquiring a nuclear-weapon capability. 15/

35. As to the non-proliferation Treaty, India 21/ found it unacceptable that those who possessed nuclear weapons were freed of all controls, while the countries not possessing nuclear weapons were policed against their production. India thought the way out of this dilemma was found in its time-bound Action Plan to usher in a world order free of nuclear weapons and rooted in non-violence. 22/ In that connection, India proposed that negotiations be started in the very first stage of the Action Plan for a new treaty to replace the non-proliferation Treaty. The new treaty, India stated, should give legal effect to a commitment by nuclear-weapon States to eliminate all nuclear weapons by the year 2010, and by all the non-nuclear-weapon States not to cross the nuclear weapon threshold.

36. The Director-General of IAEA provided an account of how the Agency had helped prevent the spread of nuclear weapons to more countries. 15/ For over 25 years, he stressed, the Agency had administered the world's first international on-site inspection system - the safeguards system - verifying that nuclear installations and fissionable material submitted to Agency control were used only for peaceful purposes. The Director-General analysed the experience gained by IAEA in administering the safeguards system. He rejected the contention that there was an inevitable link between civilian nuclear power and nuclear weapons. While such a link was possible, the rationality of non-proliferation had so far prevailed. The central idea of a generous transfer of nuclear technology for peaceful purposes, combined with binding commitments to non-proliferation, was an important part of that rationality.

37. A considerable number of speakers, not only from developing countries but also from other areas, in particular Eastern Europe, addressed the question of nuclear-weapon-free zones. Nuclear-weapon-free zones in various parts of the world, it was felt, could make an important contribution to non-proliferation, especially in areas where not all countries had acceded to the non-proliferation Treaty. It was also stressed that, in accordance with the 1978 Final Document, nuclear-weapon-free zones must be based on arrangements freely arrived at among the States of the region concerned and taking into account the characteristics of each region. On the other hand, as again prescribed by the Final Document, the nuclear-weapon States must respect strictly the status of the nuclear-weapon-free zones and refrain from the use or threat of use of nuclear weapons against the States of the zones.

38. In addition to the regions covered by the Treaty of Tlatelolco and the Treaty of Rarotonga, speakers referred to Africa, the Middle East, South Asia, South-East Asia, Central Europe and the Balkans. The Indian Ocean as a zone of peace was also a subject of debate. There were also some references to other areas, in particular, the South Atlantic.

## V. THE FIRST AND SECOND REVIEW CONFERENCES

39. In the Final Declaration of the First Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT/CONF/35/I, annex I), in 1975, the question of the prevention of the wider dissemination

of nuclear weapons had a central place both in the preamble and the body of the document. In the preamble, the parties to the Treaty expressed their conviction that the prevention of any further proliferation of nuclear weapons or other nuclear explosive devices remained a vital element in efforts to avert nuclear warfare and that the promotion of that objective would be furthered by more rapid progress towards the cessation of the nuclear-arms race and the limitation and reduction of existing nuclear weapons, with a view to their eventual elimination. In the body of the Final Declaration, the parties reaffirmed "their strong common interest in averting the further proliferation of nuclear weapons". They reaffirmed their strong support for the Treaty, their continued dedication to its principles and objectives and their commitment to implement fully and more effectively its provisions. Concerning the question of adherence to the Treaty, the Final Declaration welcomed the progress that had been made towards achieving wide adherence, while noting with concern that universal adherence was not yet in sight. The Conference advocated that States which had not already joined the Treaty should do so at the earliest possible date.

40. At the Second Review Conference (see NPT/CONF.II/22/II), in 1980, the question of universal adherence to the non-proliferation Treaty, with a view to eliminating the danger of the dissemination of nuclear weapons, was one of the main themes of the general debate. In a message to the Conference, the Secretary-General of the United Nations referred to the timeliness of the Conference in view of "the apparently increasing danger of the spread of nuclear weapons" and the urgency, which was greater than before, "to achieve universal acceptance of the Treaty".

41. That was also the general view of the parties to the Treaty. For instance, Sweden, addressing itself to the question of strengthening the impact of the Treaty, stressed the need for further promoting recognition among States that national security was an incentive for continued adherence to the Treaty, "adherence to the non-proliferation Treaty being the clearest confirmation of a non-nuclear-weapon policy". Japan stated that, in order to establish a really effective régime for the prevention of nuclear proliferation, observance of the Treaty by all States parties was not sufficient; they must go a step further and take the initiative in order to achieve universal accession to the Treaty. Nigeria also addressed itself to that problem, focusing attention on the nuclear capabilities of the countries which still remained outside the Treaty. The Netherlands, noting that the acquisition by additional States of nuclear weapons would severely undermine the Treaty, held that the scope of the Treaty could not be and was not restricted to the parties to the Treaty. Norway stressed that every effort must be made to make credible the proposition that nuclear proliferation was not an inevitable outcome. In that connection, Norway urged the nuclear-weapon States to take into account the fact that the direction and emphasis of their policies and confrontations would have an impact on the perceptions and choices of non-nuclear-weapon States with respect to nuclear weapons.

42. The United States stated that the few countries which had not joined the non-proliferation régime had sought to avoid commitments not to acquire nuclear explosive devices, and to accept international safeguards on all their peaceful nuclear activities. Some had built or were building unsafeguarded facilities of types capable of yielding weapons-usable material. The Conference, the United States held, should promote the objective of full-scope safeguards under IAEA by calling on members of the non-proliferation régime to enter into new nuclear supply commitments only with those States that undertook to accept IAEA safeguards on all their peaceful nuclear activities.

43. The Soviet Union stressed that, contrary to the theory often advanced by some countries, measures to strengthen non-proliferation did not run the risk, either intentionally or unintentionally, of undermining international co-operation in the utilization of atomic energy for peaceful purposes. On the contrary, such international co-operation would effectively serve the interests of all developed and developing countries, provided there were guarantees that exports of nuclear materials, equipment and technology were not a means of encouraging proliferation of nuclear weapons. However, since the risks of misuse of fissionable materials were growing with the increase in nuclear installations and the accumulation of plutonium, efforts must be made to find solutions which enabled all States to use atomic energy for peaceful purposes and, at the same time, prevented the proliferation of nuclear weapons. The Soviet Union was ready to co-operate in that endeavour.

44. The Conference participants were agreed that non-nuclear-weapon States not parties to the Treaty should submit all their nuclear activities to IAEA safeguards, but there were fundamental differences over whether the suppliers were under an obligation to require such comprehensive safeguards of their customers. Attempts to draft a common text on the subject did not succeed.

45. A number of developing countries expressed dissatisfaction with what they considered to be restrictive export policies of suppliers towards developing countries parties to the non-proliferation Treaty. Regret was also expressed by some participants that suppliers who were parties to the Treaty had continued to engage in nuclear trade and co-operation with non-parties, often demanding safeguards less stringent than those applied to parties in accordance with the provisions of the Treaty. The view was also put forward that non-parties to the Treaty, including some relatively advanced countries, had benefited more from the transfer of nuclear technology and equipment than countries which were parties.

## VI. THE THIRD REVIEW CONFERENCE

46. The Third Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons was held at Geneva from 27 August to 21 September 1985. The Conference was concluded with the adoption of a consensus Final Document incorporating a Final Declaration (NPT/CONF.III/64/I, annex I) comprised of a preambular statement and a detailed article-by-article review of the operation of the Treaty. 23/

47. The sections of the Final Declaration which are related to the subject-matter of this paper read as follows:

"THE STATES PARTY TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS WHICH MET IN GENEVA FROM 27 AUGUST TO 21 SEPTEMBER 1985 TO REVIEW THE OPERATION OF THE TREATY SOLEMNLY DECLARE:

- their conviction that the Treaty is essential to international peace and security;

- their continued support for the objectives of the Treaty which are:

- the prevention of proliferation of nuclear weapons or other nuclear explosive devices;

- the cessation of the nuclear arms race, nuclear disarmament and a treaty on general and complete disarmament;

- the promotion of co-operation between States Parties in the field of the peaceful uses of nuclear energy;

- the reaffirmation of their firm commitment to the purposes of the Preamble and the provisions of the Treaty;

- their determination to enhance the implementation of the Treaty and to further strengthen its authority.

"REVIEW OF THE OPERATION OF THE TREATY AND RECOMMENDATIONS

"Articles I and II and preambular paragraphs 1-3

"The Conference noted the concerns and convictions expressed in preambular paragraphs 1 to 3 and agreed that they remain valid. The States Party to the Treaty remain resolved in their belief in the need to avoid the devastation that a nuclear war would bring. The Conference remains convinced that any proliferation of nuclear weapons would seriously increase the danger of a nuclear war.

"The Conference agreed that the strict observance of the terms of Articles I and II remains central to achieving the shared objectives of preventing under any circumstances the further proliferation of nuclear weapons and preserving the Treaty's vital contribution to peace and security, including to the peace and security of non-Parties.

"The Conference acknowledged the declarations by nuclear-weapon States Party to the Treaty that they had fulfilled their obligations under Article I. The Conference further acknowledged the declarations that non-nuclear-weapon States Party to the Treaty had fulfilled their

obligations under Article II. The Conference was of the view therefore that one of the primary objectives of the Treaty had been achieved in the period under review.

"The Conference also expressed deep concern that the national nuclear programmes of some States non-Party to the Treaty may lead them to obtain a nuclear-weapon capability. States Party to the Treaty stated that any further detonation of a nuclear explosive device by any non-nuclear-weapon State would constitute a most serious breach of the non-proliferation objective.

"The Conference noted the great and serious concerns expressed about the nuclear capability of South Africa and Israel. The Conference further noted the calls on all States for the total and complete prohibition of the transfer of all nuclear facilities, resources or devices to South Africa and Israel and to stop all exploitation of Namibian uranium, natural or enriched, until the attainment of Namibian independence.

"Article III and preambular paragraphs 4 and 5

"1. The Conference affirms its determination to strengthen further the barriers against the proliferation of nuclear weapons and other nuclear explosive devices to additional States. The spread of nuclear explosive capabilities would add immeasurably to regional and international tensions and suspicions. It would increase the risk of nuclear war and lessen the security of States. The Parties remain convinced that universal adherence to the Non-Proliferation Treaty is the best way to strengthen the barriers against proliferation and they urge all States not party to the Treaty to accede to it. The Treaty and the régime of non-proliferation it supports play a central role in promoting regional and international peace and security, inter alia, by helping to prevent the spread of nuclear explosives. The non-proliferation and safeguards commitments in the Treaty are essential also for peaceful nuclear commerce and co-operation.

"2. The Conference expresses the conviction that IAEA safeguards provide assurance that States are complying with their undertakings and assist States in demonstrating this compliance. They thereby promote further confidence among States and, being a fundamental element of the Treaty, help to strengthen their collective security. IAEA safeguards play a key role in preventing the proliferation of nuclear weapons and other nuclear explosive devices. Unsafeguarded nuclear activities in non-nuclear-weapon States pose serious proliferation dangers.

"3. The Conference declares that the commitment to non-proliferation by nuclear-weapon States Party to the Treaty pursuant to Article I, by non-nuclear-weapon States Party to the Treaty pursuant to Article II, and by the acceptance of IAEA safeguards on all peaceful nuclear activities within non-nuclear-weapon States Party to the Treaty

pursuant to Article III is a major contribution by those States to regional and international security. The Conference notes with satisfaction that the commitments in Articles I-III have been met and have greatly helped the spread of nuclear explosives.

"4. The Conference therefore specifically urges all non-nuclear-weapon States not party to the Treaty to make an international legally-binding commitment not to acquire nuclear weapons or other nuclear explosive devices and to accept IAEA safeguards on all their peaceful nuclear activities, both current and future, to verify that commitment. The Conference further urges all States in their international nuclear-co-operation and in their nuclear export policies and, specifically as a necessary basis for the transfer of relevant nuclear supplies to non-nuclear-weapon States, to take effective steps towards achieving such a commitment to non-proliferation and acceptance of such safeguards by those States. The Conference expresses its view that accession to the Non-Proliferation Treaty is the best way to achieve that objective.

"5. The Conference expresses its satisfaction that four of the five nuclear-weapon States have voluntarily concluded safeguards agreements with the IAEA, covering all or part of their peaceful nuclear activities. The Conference regards those agreements as further strengthening the non-proliferation régime and increasing the authority of IAEA and the effectiveness of its safeguards system. The Conference calls on the nuclear-weapon States to continue to co-operate fully with the IAEA in the implementation of these agreements and calls on IAEA to take full advantage of this co-operation. The Conference urges the People's Republic of China similarly to conclude a safeguards agreement with IAEA. The Conference recommends the continued pursuit of the principle of universal application of IAEA safeguards to all peaceful nuclear activities in all States. To this end, the Conference recognizes the value of voluntary offers and recommends further evaluation of the economic and practical possibility of extending application of safeguards to additional civil facilities in the nuclear-weapon States as and when IAEA resources permit and consideration of separation of the civil and military facilities in the nuclear-weapon States. Such an extending of safeguards will enable the further development and application of an effective régime in both nuclear-weapon States and non-nuclear-weapon States.

"6. The Conference also affirms the great value to the non-proliferation régime of commitments by the nuclear-weapon States that nuclear supplies provided for peaceful use will not be used for nuclear weapons or other nuclear explosive purposes. Safeguards in nuclear-weapon States pursuant to their safeguards agreements with IAEA can verify observance of those commitments.

"7. The Conference notes with satisfaction the adherence of further Parties to the Treaty and the conclusion of further safeguards agreements in compliance with the undertaking of the Treaty and recommends that:

"(a) The non-nuclear-weapon States Party to the Treaty that have not concluded the agreements required under Article III (4) conclude such agreements with IAEA as soon as possible;

"(b) The Director-General of IAEA intensify his initiative of submitting to States concerned draft agreements to facilitate the conclusion of corresponding safeguards agreements, and that Parties to the Treaty, in particular Depositary Parties, should actively support these initiatives;

"(c) All States Party to the Treaty make strenuous individual and collective efforts to make the Treaty truly universal ...".

## VII. RELEVANT STUDIES BY THE UNITED NATIONS

48. In 1967, a few months before the non-proliferation Treaty was concluded, the Secretary-General of the United Nations submitted to the General Assembly, at its request, an expert study entitled Effects of the Possible Use of Nuclear Weapons and the Security and Economic Implications for States of the Acquisition and Further Development of These Weapons. 24/ One of the questions dealt with in the study was that of the dynamics and consequences of the wider dissemination of nuclear weapons.

49. It was the view of the group of highly qualified experts who prepared the study that any further increase in the number of nuclear-weapon States would lead to greater tension and greater instability in the world at large. Additional nuclear Powers, heightening regional tensions, could only add to the complexity of the problem of assuring peace. Furthermore, the danger of nuclear war breaking out through accident or miscalculation would become greater, the larger the number of countries which deployed such weapons and the larger the stockpiles and the more diversified the weapons they held. The acquisition by any nation of nuclear weapons could also trigger other unwelcome developments. Non-nuclear neighbours could be tempted to acquire nuclear weapons, or they might perhaps undertake immediate preventive military action. Having nuclear weapons on one's own territory might bring with it, furthermore, the penalty of becoming a direct target for nuclear attack. Thus, what had been intended to be a military answer to one set of threats might then appear inadequate, subject to quick neutralization or elimination in the event of an outbreak of nuclear hostilities. Similarly, the existing nuclear Powers might react by countermeasures and/or attempts to strengthen their own position in the region and thereby intensify their own race. Nuclear-weapon States were also faced with the problem of establishing systems of control of nuclear weapons within their own borders, i.e. protection against misuse. In particular, if serious civil strife were to occur in a nuclear-weapon country, existing tensions would be greatly intensified. All

this led to the conclusion that the wider dissemination of nuclear weapons would add grave risks to the security of nations and to that of the world as a whole. 25/

50. The study by the Secretary-General also stressed that both aspects of the nuclear-arms race - the further spread of nuclear weapons and the further accumulation and elaboration of existing nuclear armaments - were significant to world peace, and called attention to the fact that if the sense of insecurity on the part of nations was the cause of the arms race, in turn, the arms race enhanced that very insecurity. 26/

51. This analysis has lost none of its value. Recent expert publications on the question of nuclear proliferation in the 1980s reach largely the same conclusions. As to the way in which the problem of security should be tackled, the study by the Secretary-General emphasized that both international action against the further spread of nuclear weapons and agreements on measures of arms control and disarmament would promote the security of all countries. The United Nations had the overriding responsibility in this field. The more effective it became in action, the greater the assurance for the world's future. The longer the world waited and the more nuclear arsenals grew, the greater and more difficult the eventual task would become. 27/

52. In 1980, the Secretary-General, at the request of the General Assembly, conducted, with the assistance of qualified experts, a new general study on nuclear weapons, entitled Comprehensive Study on Nuclear Weapons. 28/ Although the study focuses its attention on the vertical proliferation of nuclear weapons, some of its conclusions are also related to the question of the spread of nuclear weapons.

53. There is a growing concern, the study noted, 29/ over the possible increase in the number of nuclear-weapon States that might take place overtly or covertly, and the problem required the serious attention of the world community because it represented a development in a direction opposite to that of nuclear disarmament. In other words, the further spread of nuclear weapons would make the attainment of nuclear disarmament a more and more remote goal. At the same time, there should be stronger efforts to curb the vertical proliferation of nuclear weapons as a way of contributing to the process of mutual confidence-building within the international community. Even if the road to nuclear disarmament was a long and difficult one, the study maintained, no other alternative was available, if the danger of nuclear war was to be eliminated. As long as reliance continued to be placed on the threat of nuclear arms to attain security, the prospects for the future would always remain dark, menacing and as uncertain as the fragile assumptions upon which the search for security was based. 30/

54. A new comprehensive study on nuclear weapons is under way, pursuant to General Assembly resolution 43/75 N of 7 December 1988. By the resolution, the General Assembly requested the Secretary-General of the United Nations to carry out, with the assistance of qualified governmental experts, a comprehensive update of the 1980 study on nuclear weapons providing factual

and up-to-date information on the political, legal and security aspects of the question, including "efforts to prevent the use of nuclear weapons and their horizontal and vertical proliferation".

55. The 1982 United Nations expert study on the Relationship between Disarmament and International Security 31/ provides additional supporting views for the prevention of the further dissemination of nuclear weapons. The study, inter alia, states:

> "A contribution to the curbing of the nuclear-arms race is being provided by the Treaty on the Non-Proliferation of Nuclear Weapons. If nuclear weapons were to spread, the result would be growing tension in the affected areas of the world and a greatly increased nuclear threat to all people. The accession of all countries to the Treaty on the Non-Proliferation of Nuclear Weapons, or their active participation in other ways in strengthening the non-proliferation régime, would be most desirable. A way to facilitate this adherence would be progress in the implementation of Article VI of the Treaty on Non-Proliferation of Nuclear Weapons, including a comprehensive nuclear-weapons test ban and agreement to halt the production of nuclear weapons and reduce stockpiles with a view to their eventual complete elimination and also progress in the negotiation of other measures mentioned in the preceding paragraphs." 32/

56. The 1985 United Nations study entitled Concepts of Security 33/ additionally stated:

> "The further spread of nuclear weapons to States that do not have them now would be a source of instability adding to the risk of nuclear war. It is in the interest of strengthening peace and security to prevent further vertical and horizontal proliferation of nuclear weapons ..." 34/
>
> "Since 1964, the number of declared nuclear-weapon States has not increased. Undoubtedly, part of the credit goes to restraints accepted under the Non-Proliferation Treaty or exercised as a result of the norm established by it ...
>
> "The non-proliferation régime should be strengthened. Many States argue that, by its very nature, the Non-Proliferation Treaty institutionalizes a condition of inequality by obliging non-nuclear-weapon States to forgo the nuclear option. To match the self-restraint of the non-nuclear-weapon States, it is imperative that the nuclear-weapon States Parties to the Treaty give meaning to their undertaking under article VI of the Treaty to negotiate an end to the arms race and disarmament. Giving full effect to the provision of article IV with regard to the inalienable right of the Parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes is also of great significance for a viable non-proliferation régime. The safeguards provided under the Treaty should be further strengthened, taking into account new

technological developments, in a manner designed to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities. Effective arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons would also strengthen non-proliferation.

"In this connection, further international co-operation on nuclear non-proliferation to minimize the dangers that the use of nuclear energy for peaceful purposes will lead to the diversion of nuclear materials for weapons purposes should be pursued. Multilateral efforts could be explored for expanding the safeguards systems of IAEA, inter alia, to cover the civilian nuclear fuel cycle of the nuclear-weapon States. Certain regional security arrangements could encourage existing threshold countries to abstain from the nuclear weapon option." 35/

57. A number of studies have been conducted by the Secretary-General of the United Nations on regional problems of nuclear proliferation.

58. In 1980, at the request of the General Assembly (resolution 34/76 B of 11 December 1979), the Secretary-General, with the assistance of a group of experts, prepared a study entitled South Africa's Plan and Capability in the Nuclear Field. 36/ The subject-matter of the Secretary-General's study falls within the context of the Declaration on the Denuclearization of Africa, which was adopted in 1964 by the Assembly of Heads of State and Government of the Organization of African Unity (OAU). In their detailed conclusions, the experts appointed by the Secretary-General stated, inter alia, that "there is no doubt that South Africa has the technical capability to make nuclear weapons and the necessary means of delivery". 37/ It further stated the following:

"The proliferation of nuclear weapons to any country is a matter of serious concern to the world. The introduction of nuclear weapons to the African continent, and particularly in such a volatile region as southern Africa, not only would be a severe blow to world-wide efforts at non-proliferation but also would upset many years' efforts to spare the African continent from the nuclear-arms race and to make it a nuclear-weapon-free zone. Judgements of the consequences of that development only can be pessimistic." 38/

59. At the thirty-ninth session of the General Assembly, the Secretary-General submitted a paper on South Africa's nuclear capability (A/39/470) prepared by the United Nations Institute for Disarmament Research (UNIDIR) in co-operation with the Department for Disarmament Affairs and in consultation with the OAU, at the request of the Assembly. This new report provided additional data and information on the continuing development of South Africa's nuclear capability.

60. Since the submission to the General Assembly at its thirty-ninth session of the above-mentioned second report of the Secretary-General on the continued development of South Africa's nuclear capability, and in accordance with Assembly resolutions 39/61 B of 12 December 1984, 40/89 B of 12 December 1985, 41/55 B of 3 December 1986, 42/34 B of 30 November 1987 and 43/71 B of 7 December 1988, the Secretary-General has continued to follow very closely South Africa's evolution in the nuclear field and has reported thereon to the General Assembly. 39/

61. In order to obtain information that would be of assistance to him in the preparation of his reports to the General Assembly, the Secretary-General contacted, inter alia, IAEA and OAU. Relevant information was received from IAEA and was included as annexes to the Secretary-General's reports to the Assembly at its forty-first, forty-second and forty-third sessions. 40/ The IAEA information received by the Secretary-General consisted mainly of reports by the Director-General of IAEA and resolutions of the General Conference, on the subject of South Africa's nuclear capability. In essence, the IAEA documents contained updated information on South Africa's nuclear resources and activities to the extent they are known to the Agency as well as information on actions taken by the Agency pursuant to the resolutions adopted on the subject by the IAEA General Conference.

62. In 1981, again at the request of the General Assembly (resolution 34/89 of 11 December 1979), the Secretary-General prepared, with the assistance of a group of experts, a study entitled Study on Israeli Nuclear Armament. 41/ The request for the study reflected increasing concern among States Members of the United Nations regarding the danger of introduction of nuclear weapons in the Middle East. The study by the Secretary-General stated that, undoubtedly, Israel had the technical capability to manufacture nuclear weapons and possessed the means of delivery of such weapons to targets in the area, even though it could not be concluded definitely "whether or not Israel is at present in the possession of nuclear weapons". 42/ The final conclusion of that expert study reads as follows:

> "The Group of Experts considers that the possession of nuclear weapons by Israel would be a seriously destabilizing factor in the already tense situation prevailing in the Middle East, in addition to being a serious danger to the cause of non-proliferation in general. However, they wish to add the final observation that it would, in their view, contribute to avoiding the danger of a nuclear-arms race in the region of the Middle East if Israel should renounce, without delay, the possession of or any intention to possess nuclear weapons, submitting all its nuclear activities to international safeguards through adherence to a nuclear-weapon-free zone in accordance with paragraphs 60 to 63 of the Final Document of the first special session of the General Assembly devoted to disarmament (resolution S-10/2) and with Assembly resolution 35/147, through accession to the Treaty on the Non-Proliferation of Nuclear Weapons, or by unilaterally accepting such safeguards." 43/

63. At its thirty-ninth session, the General Assembly, by its resolution 39/147, requested UNIDIR, in co-operation with the Department for Disarmament Affairs of the United Nations, and in consultation with the League of Arab States and OAU, to prepare a report providing additional data and other updated relevant information relating to Israeli nuclear capability, taking into account, inter alia, the 1981 Study on Israeli Nuclear Armament and to submit the report to the General Assembly at its fortieth session. The new report, which was submitted in 1985, confirmed the assessment and the conclusions of the 1981 study. 44/

64. A further report submitted by the Secretary-General 45/ at the forty-second session of the General Assembly, in 1987, pursuant to resolution 41/93 of 4 December 1986, once again confirmed the findings of the 1981 study. These United Nations studies, taken together, clearly confirm that the community of States has a strong and abiding interest in preventing the wider dissemination of nuclear weapons because their further spread undoubtedly would have most serious consequences for the security of every country and for the security of the world as a whole. While the technical capability to make nuclear weapons is within reach of an increasing number of States, there are overwhelming political and security reasons for continuing to build up effective barriers against any further spread of nuclear weapons. The most effective barrier remains the Treaty on the Non-Proliferation of Nuclear Weapons.

## Notes

1/ See United Nations, Treaty Series, vol. 729, No. 10485.

2/ A/PV.1672.

3/ A/C.1/31/PV.32.

4/ A/C.1/PV.1969.

5/ CD/PV.242.

6/ CCD/424.

7/ CCD/425.

8/ International Atomic Energy Agency, The Annual Report for 1988 (GC (XXXIII)/873).

9/ SG/SM/4156.

10/ For the full text of the three statements, see Official Records of the Disarmament Commission, Supplement for 1970, document DC/233, annex C, sects. 8-10.

Notes (continued)

11/ The distribution between "vertical" and "horizontal" proliferation is based on the realization that the nuclear-arms race can be fueled (a) by quantitative additions and qualitative improvements of the nuclear weapons of the existing nuclear-weapon Powers; and (b) by the spread of nuclear weapons to additional Powers.

12/ See Official Records of the Disarmament Commission, Supplement for 1970, document DC/233, annex C, sect. 11.

13/ A/S-12/PV.15.

14/ See, in particular, the statement of Australia in document A/S-12/PV.25.

15/ See A/S-15/PV.19.

16/ A/S-15/26.

17/ A/S-15/14.

18/ A/S-15/PV.5.

19/ See A/S-15/PV.2.

20/ A/S-15/PV.18.

21/ A/S-15/PV.14.

22/ A/S-15/12.

23/ For a full account of the deliberations of the Review Conference, see The United Nations Disarmament Yearbook, vol. 10:1985, chap. VII.

24/ United Nations publication, Sales No. E.68.IX.1.

25/ Ibid., paras. 82 and 84.

26/ Ibid., paras. 82 and 91.

27/ Ibid., paras. 91 and 94.

28/ United Nations publication, Sales No. E.81.I.11.

29/ Ibid., para. 516.

30/ Ibid., paras. 519 and 520.

31/ United Nations publication, Sales No. E.82.IX.4.

Notes (continued)

32/ Ibid., para. 163.

33/ United Nations publication, Sales No. E.86.IX.1, paras. 181 and 183-185.

34/ Ibid., para. 181.

35/ Ibid., paras. 183-185.

36/ United Nations publication, Sales No. E.81.I.10.

37/ Ibid., para. 87.

38/ Ibid., para. 92.

39/ See A/40/510, A/41/490, A/42/649, A/43/701 and A/44/655.

40/ See A/41/490, A/42/649 and A/43/701.

41/ United Nations publication, Sales No. E.82.IX.2.

42/ Ibid., paras. 78 and 82.

43/ Ibid., para. 83.

44/ A/40/520, para. 55.

45/ A/42/581.

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